

Black's Lawyers Can See FBI File

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Lawyers for Washington lobbyist Fred B. Black Jr. won the right to see portions of an FBI central headquarters file yesterday in an unprecedented ruling by District Court Judge William B. Jones.

Judge Jones said defense counsel in Black's tax-evasion case were entitled to see portions of the secret file

as part of their effort to show that the evidence against Black was tainted by electronic eavesdropping.

It may never be known publicly how deeply the order penetrated the FBI's confidential files because Judge Jones has restricted public release of the "bugging" information to the evidence that will be produced in open court.

The FBI traditionally has carefully guarded the secrecy of the files, which contain—in addition to evidence gathered during agents' investigations—memoranda summarizing, discussing and evaluating information gathered on subjects of suspects from all kinds of sources.

It was believed that the portions of the file covered by the order were limited to those including electronic "bugging," the fruits of microphone eavesdropping and evaluation reports on the use made of information gathered through listening devices planted in hotel rooms from Washington to Miami to Las Vegas.

Black's lawyer, Edward Bennett Williams, had previously obtained logs of conversations picked up in Black's suite at the Sheraton-Carlton Hotel

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and in Las Vegas, but until yesterday had not won access to FBI reports on them.

The Justice Department insists that despite the admitted eavesdropping, Black is not entitled to a new trial because his 1964 conviction was based on independently gathered tax evidence. No date has been set for a hearing on whether the files support Black's claims or the Government's.

Black's a onetime business partner of former Senate Majority Secretary Robert G. Baker, is one of several defendants—Baker is another—whose appeals have smoked out mounting evidence of widespread bugging by FBI, Treasury Department and other agents. The White House has ordered a stop to the microphone eavesdropping except in "national security" cases.

In a related development, Williams filed two new memorandums with the Supreme Court opposing the plea of Solicitor General Erwin N. Griswold to let trial judges screen most bugging data before turning them over to the defense. Judge Jones had examined the Black materials in chambers for a month before issuing his order yesterday.

Griswold said Jan. 29 that the judges' screening of materials in the case of convicted extortionists Willie Alderman and Felix (Milwaukee Phil) Alderisio was needed to protect the privacy of innocent parties

and, in some instances, national security.

Williams countered that "the Solicitor General may not be aware of the shocking breach of privacy committed with the apparent connivance of agents of the Government with respect to certain FBI microphone surveillances in Las Vegas."

He charged that an affidavit, submitted under seal along with his memorandum, contained "the strongest of circumstantial evidence that the contents of illegally overheard conversations have at times been disclosed" in disregard of the rights of bugging victims. Williams refused to amplify the statement when asked by a reporter.